

## REMARKS

In response to the Final Office Action dated July 30, 2003, Applicant respectfully requests that the Examiner consider the following remarks.

In the Final Office Action dated July 30, 2003, claims 20-41 and 43-77 were pending. Claims 46 and 62 were rejected under 35 U.S.C. 112, first paragraph. Claims 20-77 were rejected under 35 U.S.C. 102(e) as being anticipated by Swenton-Wall et al. of U.S. Patent No. 6,590,586 ("Swenton").

A response under 37 C.F.R. §1.116 has been filed September 30, 2003, as well as an IDS (inventor disclosure statement) and Applicant has not received an advisory action.

In this response, no claim has been cancelled. Claims 20, 24, 43-44, 60, and 76-77 have been amended. Thus claims 20-41 and 43-77 remain pending. No new matter has been added. Applicant respectfully requests the Examiner consider the references cited in the IDS filed September 30, 2003. Reconsideration of this application as amended is respectfully requested.

### Claim Rejections – 35 U.S.C. 112

Claims 46 and 62 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which were not described in the specification in such a way as to reasonable convey to one skilled in the relevant art. Specifically, the Examiner objected to the term of "drag and drop" operation recited in the claims.

Applicant respectfully disagrees. Claims 46 and 62 include the limitation of "performing a drag and drop operation to visually dial the user manipulable dial." This limitation has been fully described in the specification of the present application and one with ordinary skill in the

art would understand the subject matter as claimed in claims 46 and 62. Specifically, on page 5 of the specification, it states:

For instance, turning the dial 106 to the right or left will sequence the file set 102 display forward or backward. Next, the speed for searching through the file set 102 can be as desired, in that turning the dial 106 further in a direction from a dial stop position, can sequence the file set faster or slower. Such “fine tuning” of the dial’s 106 radial movement allows the viewer to quickly “hone in” on particular files 110 for selection and viewing. In addition, the dial 106 may be “pushed-in” to perform a function such as the selection of a particular file or the release of a selected file. Once selected, the file(s) may then be flagged for easy return, for changing the order of display of individual files within the file set, for removal of files from the file, etc.

(Specification, page 5, lines 8-16, emphasis added)

On page 7 of the specification, it further states:

The visual dial may be manipulated by voice command or by rotating/pushing the visual dial with a mouse, a keyboard, a touch sensitive pad, or a touch sensitive monitor.

(Specification, page 7, lines 10-12, emphasis added)

Therefore, Applicant submits that one with ordinary skill in the art would understand that such manipulations of the dial, particularly using a pointing device, such as a mouse, constitute one or more drag and drop operations. Withdrawal of the rejections is respectfully submitted.

#### Claim Rejections – 35 U.S.C. 102

Claims 20-41 and 43-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Swenton. Applicant hereby reserves the right swear behind Swenton in the subsequent prosecution of the present application.

Applicant submits that claims 20-41 and 43-77 include limitations that are not disclosed or claimed by Swenton. Specifically, independent claim 20 recites as follows:

20. A computerized apparatus for viewing images comprising:  
a dial capable of being visually dialed through rotations;

a set of files; and  
means for connecting the dial to the set of files wherein by manipulating the dial  
through rotations, the set of files can be sequentially displayed.

(emphasis added)

Applicant submits that independent claim 20 requires a dial capable of being dialed through rotations and sequentially displaying a set of file by manipulating the dial through rotations. Applicant submits that Swenton fails to disclose or claim a dial that is capable of being dialed through rotations and a set of file can be sequentially displayed through manipulating the dial through rotations.

The Examiner contends that Swenton includes a digital carousel facilitating sequencing of images for presentation by reordering slides shown at col. 2, lines 1-15. Applicant respectfully disagrees. Applicant submits that the section relied on by the Examiner (e.g., col. 2, lines 1-15) does not disclose a user manipulable dial that is capable of being dialed through rotations. Rather, the digital carousel of Swenton only simulates operation of a photographic slide projector carousel using a list of slides (see, col. 1, line 66 to col. 2, line 8). Specifically, at col. 2 of Swenton, it states:

The digital carousel facilitates sequencing of images for presentation by reordering slides according to a list that is manipulated by the user to create a user defined sequence.

(Swenton, col.2, lines 1-4, emphasis added)

That is, instead of a user manipulable dial, it is the list of images (e.g., list 608 of Figure 6A) that is manipulable by a user in Swenton.

Specifically, at col. 6, Swenton further states:

When a user selects a title in list 608, a reduced image 616 corresponding to the tide is displayed. A pointing device such as a mouse may be used to insert, delete, or reorganize titles or groups of titles in the list 608. Rearrangement of the titles results in a corresponding rearrangement of the images in the carousel.

(Swenton, col. 6, lines 30 to 35, emphasis added)

Clearly, Swenton uses a list 608 to manipulate the images, contrary to the user manipulable dial as claimed in claim 20. Such operations teach away from the present invention as claimed.

In fact, there is no user manipulable dial capable of being dialed through rotations in Swenton. The Examiner contends that Figure 6A of Swenton includes such dial without specifically pointing out which element of Figure 6A in Swenton reads on the dial. Applicant assumes that carousel icon 620 is alleged to read on the dial. Applicant respectfully disagrees. Carousel icon 620 shown in Figure 6A is not a dial. Specifically, carousel icon 620 is not a user manipulable dial that is capable of being dialed through rotations. Carousel icon 620 of Swenton is merely a symbolic icon to allow a user to handle slides in the list as a group, as evident by Swenton's disclosure:

Carousel icon 620 allows a user to handle all slides in list 608 as a group. The shape and form of carousel icon 620 depicts a traditional photographic slide carousel used in slide projectors. In one embodiment of the invention, labels may be associated and displayed with each carousel to differentiate between carousals.

(Swenton, col. 6, lines 47 to 53, emphasis added)

Therefore, for the reasons discussed above, independent claim 20 is not anticipated by Swenton.

Similarly, independent claims 24, 29, 34, 38, 43-44, 60 and 76-77 include limitations similar to those claimed in claim 20. Therefore, for the reasons similar to those discussed above, independent claims 24, 29, 34, 38, 43-44, 60 and 76-77 are patentable over the cited references.

The dependent claims 21-23, 25-29, 30-33, 35-38, 39-41, 45-59, and 61-75 depend from one of the above independent claims, thus include all of the distinct features of the respective

independent claim, and therefore, for at least the reasons discussed above, are not anticipated by Swenton. Withdrawal of the rejection is respectfully requested.

### CONCLUSION


In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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